

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 2-9 are pending, Claims 2, 9, 17 and 18 having been amended by way of the present amendment. Support for the claim amendments is found in the present specification, for example at paragraph [0135] to [0138] of the corresponding published patent application. Therefore no new matter is added.

In the outstanding Office Action the specification was objected to; Claim 2 was objected to; Claims 2-7, 9-15 and 17-19 were rejected as being anticipated by Guck (U.S. Patent No. 5,911,776); and Claims 6 and 18 were rejected as being unpatentable over Guck.

In reply, the title of the invention was amended as requested.

The informality in Claim 2 was corrected by adopting the Examiner's suggestion.

Before returning to the prior art-based rejections, a brief review of amended Claim 18 is in order. Amended Claim 18 is directed to an information processing apparatus that among other things, includes a database in which a first file ID identifying a first file for storing a predetermined content in a first format is stored. The database also stores a second file ID identifying a second file for storing the predetermined content in a second format. The apparatus also includes a manipulating unit configured to manipulate the first file or the second file by controlling an encoding bit rate for the first file or the second file, whichever has been selected.

An advantage with this approach is that depending on a user's needs or the technical restrictions on an apparatus used for processing the predetermined content, the encoding bit rate for the content may be controlled such that the bit rate may be different for the first file or the second file. As such, there is some flexibility in how quickly and accurately the predetermined content may ultimately be transmitted to a second device.

Guck is directed to an automatic format conversion system and publishing methodology for multi-user network. In particular, Guck is directed to a system in which a user may use different document formats such as for example Microsoft Word, SGML, or HTML (see e.g., column 6, lines 10-22). A particular “document format” is recognized in Guck as being a specific arrangement of data on a disk or other storage media in order to meet the established application requirements for a certain application (see e.g., column 6, lines 23-29). While Guck recognizes that different communication protocols may be used for transmitting a document from one location to another, it does so in the context of transmitting particular content in a particular format without altering that particular format.

Comparing amended Claim 18 with Guck, amended Claim 18 requires a manipulating unit to manipulate the first file or the second file by controlling an encoding bit rate. In contrast, Guck is directed to a device that would not alter an encoding bit rate, as it is directed to the transfer of document formats. The communication protocol used in Guck relates to the physical layer of a protocol stack responsible for transmitting data from one location to the other. However this does not suggest controlling an encoding bit rate for a predetermined content that is either in a first file or a second file, as claimed in amended Claim 18. Because Guck does not teach or suggest all of the elements of Claim 18, it is respectfully submitted that amended Claim 18 patentably defines over Guck. Although of differing statutory class and/or scope, it is respectfully submitted that Claims 2-17 and 19 also patentably define over Guck for substantially the same reasons discussed above with regard to amended Claim 18.

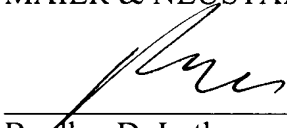
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 2-19, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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